1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA ARCHIE R. BYRD, 10 11 Petitioner, No. CIV S-04-2027 LKK DAD P 12 VS. 13 FRESNO COUNTY COURT, 14 Respondents. ORDER 15 16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of 17 habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States 18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262. 19 On October 5, 2004, the magistrate judge filed findings and recommendations 20 herein which were served on petitioner and which contained notice to petitioner that any 21 objections to the findings and recommendations were to be filed within twenty days. Petitioner 22 has not filed objections to the findings and recommendations. 23 The court has reviewed the file and finds the findings and recommendations to be 24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY 25 ORDERED that: ///// 26

Case 2:04-cv-02027-LKK-DAD Document 6 Filed 08/02/05 Page 2 of 2

1	1. The findings and recommendations filed October 5, 2004, are adopted in full;
2	and
3	2. The petition is denied for failure to exhaust state remedies.
4	DATED: August 2, 2005.
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6	/s/Lawrence K. Karlton UNITED STATES DISTRICT JUDGE
7	UNITED STATES DISTRICT JUDGE
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